

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETAINER AGREEMENT WITH THE LAW FIRM OF ALSTON & BIRD, LLP TO REPRESENT THE CITY OF ATLANTA IN THE MATTER OF COREY AIRPORT SERVICES, INC. VS. CITY OF ATLANTA, ET AL, CAFN: 1:04-CV-3243 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED TWOHUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) TO BE FUNDED OUT OF FUND ACCOUNT AND CENTER NUMBER 2H01-524001-T3001; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is in litigation with Corey Airport Services, Inc. for alleged violations of anti-trust law and other related laws; and

WHEREAS, a favorable resolution to this law suit by the City is important to the City on a financial and precedential basis; and

WHEREAS, anti-trust law is a specialized and complex area of the law, and none of the attorneys in the City's Department of Law possess an expertise in that area of the law; and

WHEREAS, Section 2-396 of the City of Atlanta Code of Ordinances vests the City Attorney "with complete and exclusive authority and jurisdiction in all matters of law;" and

WHEREAS, the City Attorney has determined that, in order to most effectively and efficiently represent the City in this anti-trust dispute, the attorney(s) handling the dispute must have an expertise in the area of antitrust law; and

WHEREAS, the attorneys at Alston & Bird, LLP specialize in the area of antitrust law and have an excellent reputation; and

WHEREAS, on February, 2005, the Council of the City of Atlanta authorized the City Attorney to retain Alston & Bird, LLP to serve as outside counsel in this dispute; and

WHEREAS, the City Attorney recommends that the City continue to retain Alston & Bird, LLP to represent the City in this dispute; and

WHEREAS, Alston & Bird, LLP is not able at this time to estimate the total cost of continuing to handle this matter; and

WHEREAS, the City Attorney requests additional authorization to expend funds to compensate and reimburse Alston & Bird, LLP in an amount not to exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00), with the understanding that the cost of handling this dispute may exceed this amount, and that, if necessary, the City Attorney will return to the City Council in the future with a status report on the matter and a request for authorization for additional funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney authorized to continue the retainer agreement with Alston & Bird, LLP, or other appropriate documentation, to retain services of the Firm to serve as outside counsel for the city on this matter, in an amount not to exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to continue to remit payment of all legal fees, expenses and costs due for legal services rendered or incurred by the law firm of Alston & Bird, LLP, and its consultants, including experts, in connection with the forgoing matter after approved for payment by the City Attorney or her designee, in an amount not to exceed Two Hundred Thousand and 00/100 (\$200,000.00) to be paid from the Fund Account and Center Number 2H01 524001 T31001.